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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Seventy-third year

Identical letters dated 20 April 2018 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

I write to you in follow-up to the letters conveyed to you over the past three weeks regarding the heightened tensions and deterioration of the situation in the Gaza Strip and the rest of the Occupied Palestinian Territory, including East Jerusalem. Regrettably, absent serious measures of accountability, Israel, the occupying Power, has persisted with its intentional killing and injuring of Palestinian civilians, alongside all of its other illegal policies and practices propping up this illegal, half-century occupation.

For the fourth week in a row, Palestinian civilians, women, men and children, particularly in Gaza, continue to exercise their fundamental rights of expression, assembly and freedom of association in the context of peaceful protests being held as part of the six-week "Great March of Return" against the decades-long Israeli occupation, oppression and dispossession of our people.

Despite the peaceful nature of these protests, and with total disregard for international legal rules and norms, the Israeli occupying forces continue to demonstrate the cruelty of their occupation machine, responding with brutal and lethal force to the calls of unarmed civilians for freedom and justice. These actions and the military orders commanding them are being perpetrated in direct violation of international law and in grave breach of the Fourth Geneva Convention, as pointed out, inter alia, by United Nations human rights experts. In this regard, in a recent statement, they have stressed that the deaths and injuries since 30 March "appeared to be in breach of the International Covenant on Civil and Political Rights (1966), the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990) and the prohibitions in the Fourth Geneva Convention of 1949 against wilful killings and the serious injury of the protected population", and cautioned that "the deadly use of force against demonstrators could constitute crimes under the Rome Statute".

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Today alone, as of the writing of the present letter, the Israeli occupying forces have killed four Palestinian civilians, including a child and a disabled person, and injured more than 730 people. The names of those killed are Mohammad Ayyoub, age 14, Ahmed Nabil Aqel, a disabled youth, age 25, Ahmad Rashad al-Athamna, age 23, and Saddy Abu Taha, age 32.

This brings the total number of Palestinian civilians killed since the start of the six-week Great March of Return, which began on 30 March, to 35 persons. The number of wounded and injured has now far surpassed 4,000 people, including women and children, with at least 35 of the wounded suffering life-threatening injuries and nearly 400 people suffering temporary or permanent disabilities as a result of their injuries, according to the Ministry of Health.

Not only does Israel barbarically kill disabled unarmed civilians, it also denies health care to those it injured. Last week, on 11 April, the legs of two Palestinians who were injured in recent protests were amputated after the occupying Power refused to allow them to leave the besieged Gaza Strip for medical treatment. Human rights groups had appealed to the Israeli authorities to allow for the transfer of Yusif Karnaz, age 20, and Muhammad al-Ajouri, age 17, to a hospital in the occupied West Bank for surgery that would save their limbs, given the unavailability of the required specialized surgery in Gaza. Yet, Israel admitted that the denial of travel permits was done deliberately and punitively, stating that: "The main consideration for the refusal stems from the fact that their medical condition is a function of their participation in the disturbances."

Successive declarations by Israeli officials over the past few weeks, even congratulating their military on the targeting of civilians, constitute an admission that those killings were not a result of some kind of oversight, but rather constituted a deliberate intent to violate international law, including at the highest levels.

This has led a number of Israeli soldiers to express shame and, in a letter to the editor in *The Guardian* newspaper on 12 April, to state the following:

> We, a group of former combatants who were members of sniper teams, seek to express our feelings of distress regarding the recent incidents in the Gaza Strip. As we hear about military orders permitting snipers to fire live ammunition at unarmed demonstrators, we are filled with shame and sorrow: shame at the orders devoid of moral and ethical judgment, and sorrow for the young soldiers, whom, as we know very well from our own experience, will always carry with them the scenes that they witnessed through the sights of their rifles.
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> Instructing snipers to shoot to kill unarmed demonstrators who pose no danger to human life is another product of the occupation and military rule over millions of Palestinian people, as well as of our country's callous leadership, and derailed moral path.
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> Harming innocent people in Gaza is part of what is needed to maintain the regime of occupation, and we must not allow it to continue. Only ceasing to militarily control the Palestinian people will bring this to an end.

At the same time, in the occupied West Bank, including East Jerusalem, the occupying Power continues with its aggression against the civilian population. Today, peaceful and non-violent demonstrations were held in Al-Khalil, Ramallah, Birah, Nablus and Jericho to protest against Israel's killing of Palestinians in Gaza. As is the norm, occupying forces responded to non-violent Palestinian actions with violence, aiming tear-gas canisters, rubber-coated steel bullets and even live ammunition at civilian protesters, and causing numerous injuries.

Moreover, as we approach 15 May, Palestinians have begun more widely commemorating 70 years since the Nakba and the ongoing dispossession and ethnic cleansing of the Palestinian people from their homeland by Israel. In this regard, Palestinians and Israelis gathered in a field south of Haifa, near a depopulated Palestinian village whose residents were expelled in 1948. More than 20,000 people participated in this Nakba procession, indicating the broad scope and importance of these sombre commemorations.

That Israel continues to treat such commemorations with such insensitivity, disdain and even brutality is a reflection of the impunity it has for so long exploited and that has allowed it to persist with its distorted narrative, dismissive of history, of rights and of any semblance of justice. Indeed, the occupying Power has grown so accustomed to the lack of accountability and consequences for its gross, systematic and intentional commission of crimes, including war crimes and crimes against humanity, that it even now celebrates such crimes in morally repugnant and outrageous ways, once again at the highest levels.

Against this tragic backdrop, we reiterate our full support for the call by the Secretary-General, echoed by many States and organizations around the world, for an independent and transparent investigation into the killings by Israeli occupying forces of Palestinian civilians taking part in the peaceful protests. These calls need to be followed by due action to hold the perpetrators accountable and to prevent the recurrence of such crimes and the loss of more innocent lives.

As emphasized in a statement on 17 April by United Nations human rights experts, namely the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, and the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, an Israeli domestic investigation would be inadequate.

The United Nations experts have called upon the international community to establish, through the United Nations, an independent commission to investigate the events of the past three weeks, stating that:

> While Israel's announcement that it will launch a probe is welcome, we are concerned that the planned probe may lack the independence, impartiality and effectiveness required by the international law ... Coupled with reports that some Israeli officials have suggested the purpose of the investigation is to avoid scrutiny from the international community and the ICC, we believe an independent investigation is the only way to truly address what has happened in Gaza, and to prevent its recurrence.
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> Accountability is imperative when the fatal shooting of demonstrators by security forces has occurred ... If Israel will not take credible and effective steps to investigate, and indeed, where it has congratulated its military forces for their use of force, then the international community must fill the investigatory void to ensure respect for international law.

Furthermore, in this regard, Israeli human rights organization, B'Tselem, has stated that:

> The military's announcement that the general staff investigation mechanism led by Brig. Gen. Motti Baruch will look into the incidents in which Palestinians were killed, focusing on civilian deaths, is pure propaganda, intended — among

other things — to prevent an independent international investigation. This mechanism is part of the whitewashing toolkit that the MAG Corps uses to create a semblance of an efficient law enforcement system that works to uncover the truth and ensure accountability.

In addition to the recent violence perpetrated against them, we must note that the Palestinian people in Gaza continue to simultaneously experience tremendous human-inflicted suffering, as a result of 11 years of an Israeli-imposed land, sea and air blockade and over 50 years of occupation as well as repeated Israeli military aggressions against them. As the United Nations Humanitarian Coordinator, Jamie McGoldrick, stated in a recent press release: "The current surge in humanitarian needs is a crisis on top of a catastrophe. ... As we approach another Friday of demonstrations near the perimeter fence between Gaza and Israel, it is critical that the Israeli authorities exercise the utmost restraint in the use of force for law enforcement operations, in line with their obligations under international law." We reiterate our grave concerns in this regard and once again call for the immediate lifting of the illegal, punitive and inhumane Israeli blockade on Gaza.

We also reiterate our demands for the international community to condemn unequivocally Israel's criminal and illegal actions against the Palestinian people. The international community must act to ensure accountability, including by prosecuting Israeli officials who have ordered the use of unlawful lethal force abroad as a matter of universal jurisdiction, or in international judicial forums. Israel must be held fully accountable for all of its crimes, including the killings of innocent Palestinian civilians, in accordance with international law and the principles of justice.

Moreover, we reiterate our call upon the international community, in particular the Security Council, to uphold its responsibility for the maintenance of international peace and security, and to implement its legal obligation to ensure the protection of civilians, for this obligation has clearly been abdicated by Israel, the occupying Power. As we have stated in the past, the Palestinian people cannot remain the exception to the international commitments to and obligations under international law, including the obligation to protect civilians from atrocities and grave breaches. Peace and security can only ever be achieved if the law is upheld and human rights are respected, but never in their absence.

This letter is in follow-up to our 631 previous letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 13 April 2018 (A/ES-10/776-S/2018/365), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations being committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of the State of Palestine
to the United Nations